

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 016854

12

ORIGIN NEA-09

INFO OCT-01 ISO-00 L-02 AID-05 RSC-01 A-01 /019 R

DRAFTED BY NEA/IRN:BBMORTON/BK

APPROVED BY NEA:SSOBER

L/NEA:BKHUFFMAN

AID/GC:AZGARDINER (SUBS)

NEA/IRN:CWNAAS

----- 018614

R 240044Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY TEHRAN

LIMITED OFFICIAL USE STATE 016854

E.O. 11652: N/A

TAGS: USIRJC

SUBJECT: JOINT COMMISSION: COUNTRY-FINANCED TECHNICAL
SERVICES AGREEMENT

1. CIRCULAR 175 APPROVAL HAS BEEN GIVEN FOR NEGOTIATION
AND CONCLUSION OF TECHNICAL SERVICES AGREEMENT WITH GOI
ALONG LINES OF DRAFT NOTE BELOW. EMBASSY REQUESTED TO
TRANSMIT DRAFT TO FOREIGN MINISTRY AND OBTAIN GOI VIEWS.
IF GOI ACCEPTS DRAFT LANGUAGE, EMBASSY IS AUTHORIZED TO
PROCEED WITH FORMAL EXCHANGE OF NOTES. CHANGES SUGGESTED
BY GOI SHOULD BE SUBMITTED TO DEPARTMENT FOR APPROVAL.
WHEN EXCHANGE OF NOTES COMPLETED, ORIGINAL OF IRANIAN NOTE
AND CERTIFIED COPY OF EMBASSY NOTE SHOULD BE SENT TO
STATE:L/T BY AIRGRAM.

2. WE WOULD APPRECIATE EMBASSY'S ESTIMATE OF URGENCY WITH
WHICH GOI WILL APPROACH DRAFT AGREEMENT AND, SPECIFICALLY,
WHETHER THERE IS ANY LIKELIHOOD THAT IT MAY WISH TO MAKE
CONCLUSION OF AGREEMENT COINCIDE WITH ECONOMY AND FINANCE
COMMITTEE MEETING OR WHETHER JOINT COMMISSION MEETING MAY
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 016854

BE LIKELIER TARGET.

3. DRAFT TEXT:

QUOTE EXCELLENCY:

I HAVE THE HONOR TO REFER TO THE DECISION ANNOUNCED NOVEMBER 2, 1974 TO FORM A JOINT COMMISSION TO INCREASE AND INTENSIFY THE TIES OF COOPERATION THAT EXIST BETWEEN OUR TWO COUNTRIES. IMPLEMENTATION OF MANY OF THE JOINT PROJECTS THAT ARE EXPECTED TO BE DEVELOPED BY THE COMMISSION WILL INCLUDE THE FURNISHING OF TECHNICAL SERVICES AND ADVISORY PERSONNEL AND RELATED COMMODITIES AND FACILITIES. TO FACILITATE THESE PROJECTS, I HAVE THE HONOR TO PROPOSE THAT OUR TWO GOVERNMENTS ENTER INTO AGREEMENT AS FOLLOWS:

1. TO ASSIST THE IMPERIAL GOVERNMENT OF IRAN IN THE DEVELOPMENT OF IRAN'S CIVIL CAPABILITIES, THE GOVERNMENT OF THE UNITED STATES WILL MAKE AVAILABLE TECHNICAL SERVICES, ADVISORY PERSONNEL FROM WITHIN OR FROM OUTSIDE THE UNITED STATES GOVERNMENT AND RELATED COMMODITIES AND FACILITIES AS MAY BE MUTUALLY AGREED BETWEEN THE IMPERIAL GOVERNMENT OF IRAN AND THE UNITED STATES GOVERNMENT.

2. THE TWO GOVERNMENTS, IN CONSULTATION, SHALL ADOPT MUTUALLY AGREEABLE ADMINISTRATIVE, ORGANIZATIONAL AND STAFF ARRANGEMENTS TO FACILITATE COOPERATIVE IMPLEMENTATION OF THIS AGREEMENT.

3. IN ADDITION TO ADVISORY PERSONNEL ASSIGNED TO IRAN UNDER THIS AGREEMENT, THE GOVERNMENT OF THE UNITED STATES MAY LOCATE SUCH PERSONNEL IN IRAN AS MAY BE NECESSARY TO PROVIDE ADEQUATE ADMINISTRATIVE AND STAFF SUPPORT TO CARRY OUT THE PURPOSES OF THIS AGREEMENT. AMERICAN PERSONNEL ASSIGNED UNDER THIS AGREEMENT WILL BE ENTITLED TO THE ALLOWANCES AND BENEFITS PROVIDED BY UNITED STATES GOVERNMENT STANDARDIZED REGULATIONS (U.S. GOVERNMENT CIVILIAN, FOREIGN AREAS).

4. EACH PROJECT UNDER THIS AGREEMENT WILL BE APPROVED LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 016854

BY THE TWO GOVERNMENTS.

5. THE IMPERIAL GOVERNMENT OF IRAN WILL DEFRAID ALL DIRECT AND INDIRECT COSTS OF APPROVED PROJECTS AS PROVIDED IN PARAGRAPH 4 AND PROJECT DEVELOPMENT UNDERTAKEN AT ITS REQUEST INCLUDING COSTS OF ADMINISTRATIVE AND STAFF SUPPORT AS PROVIDED IN PARAGRAPH 3.

6.A. THE TWO GOVERNMENTS WILL AGREE UPON ESTIMATES OF ALL COSTS DESCRIBED IN PARAGRAPH 5.

B. THE IMPERIAL GOVERNMENT OF IRAN WILL TRANSFER TO THE UNITED STATES GOVERNMENT FUNDS IN THE AMOUNT OF ALL COST ESTIMATES DESCRIBED IN PARAGRAPH 6A.

C. THE UNITED STATES GOVERNMENT WILL ESTABLISH DOLLAR TRUST ACCOUNTS IN THE UNITED STATES TO RETAIN ALL FUNDS RECEIVED FROM THE IMPERIAL GOVERNMENT OF IRAN DESCRIBED IN PARAGRAPH 6B.

D. THE UNITED STATES GOVERNMENT MAY DRAW UPON THE DOLLAR TRUST ACCOUNTS DESCRIBED IN PARAGRAPH 6C TO PAY ALL COSTS DESCRIBED IN PARAGRAPH 5.

E. THE UNITED STATES GOVERNMENT SHALL PROVIDE TO THE IMPERIAL GOVERNMENT OF IRAN PERIODIC STATEMENTS OF FUNDS IN THE ACCOUNTS, DISBURSEMENTS FROM THE ACCOUNTS, UNLIQUIDATED OBLIGATIONS AND THE BALANCE IN THE ACCOUNTS.

F. IF THE UNITED STATES GOVERNMENT ANTICIPATES THAT EXPENSES UNDER ANY ESTIMATE APPROVED UNDER PARAGRAPH 6A WILL EXCEED THE AMOUNT IN SUCH ESTIMATE, IT SHALL INFORM THE IMPERIAL GOVERNMENT OF IRAN OF THE INCREASED ESTIMATE. UPON ITS APPROVAL OF THE ADDITIONAL ESTIMATE, THE IMPERIAL GOVERNMENT OF IRAN AGREES TO DEPOSIT ADDITIONAL FUNDS IN THE AMOUNT OF THE INCREASED ESTIMATE IN THE APPROPRIATE TRUST ACCOUNT TO MEET THE ANTICIPATED SHORTFALL. IF THE IMPERIAL GOVERNMENT OF IRAN ELECTS NOT TO APPROVE THE INCREASED ESTIMATE, THE UNITED STATES WILL NOT BE OBLIGATED TO PROVIDE THE TECHNICAL SERVICES, ADVISORY PERSONNEL OR RELATED COMMODITIES OR FACILITIES COVERED BY LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 016854

SUCH ESTIMATE AND THE IMPERIAL GOVERNMENT OF IRAN WILL PAY ANY COSTS NOT SET FORTH IN THE AGREED ESTIMATE WHICH ARE INCURRED AS A RESULT OF TERMINATION OF AN APPROVED PROJECT OR PROJECT DEVELOPMENT UNDERTAKEN AT ITS REQUEST.

G. IF, UPON TERMINATION OF THIS AGREEMENT, THERE ARE FUNDS REMAINING IN THE TRUST ACCOUNTS AFTER ALL COSTS HAVE BEEN DEFRAYED AND ALL LIABILITIES SATISFIED, SUCH FUNDS SHALL BE REFUNDED TO THE IMPERIAL GOVERNMENT OF IRAN.

7. EMPLOYEES OF THE UNITED STATES GOVERNMENT WHO ARE (A) ASSIGNED TO PERFORM SERVICES UNDER THIS AGREEMENT, OR (B) ASSIGNED TO PROVIDE SUPPORT FOR SUCH PERSONNEL, WILL BE ATTACHED TO THE EMBASSY OF THE UNITED STATES OF AMERICA IN IRAN AND THEY AND THEIR DEPENDENTS IN IRAN

SHALL BE ENTITLED TO THE PRIVILEGES AND IMMUNITIES ACCORDED TO PERSONNEL OF THE EMBASSY OF COMPARABLE RANK AND CATEGORY. UNITED STATES GOVERNMENT CONTRACTORS AND

EMPLOYEES OF SUCH CONTRACTORS PERFORMING SERVICES UNDER THIS AGREEMENT WILL BE ACCORDED THE PRIVILEGES AND IMMUNITIES OF THE TECHNICAL AND ADMINISTRATIVE STAFF OF THE EMBASSY OF THE UNITED STATES OF AMERICA IN IRAN.

8. WHEN REQUESTED BY EITHER GOVERNMENT, REPRESENTATIVES OF BOTH GOVERNMENTS WILL MEET TO REVIEW PROGRESS TOWARD ACHIEVING THE PURPOSE OF THIS AGREEMENT, AND TO NEGOTIATE SOLUTIONS TO ANY OUTSTANDING PROBLEMS.

9. THE IMPERIAL GOVERNMENT OF IRAN AGREES TO HOLD THE UNITED STATES GOVERNMENT HARMLESS AGAINST ANY AND ALL CLAIMS THAT MAY ARISE AS A RESULT OF THE TECHNICAL AND OTHER SERVICES, COMMODITIES, FACILITIES, OR ADVISORY PERSONNEL THAT MAY BE FURNISHED UNDER THIS AGREEMENT.

10. THIS AGREEMENT WILL BE INAPPLICABLE TO THE FOLLOWING:

A. AGREEMENTS AND TRANSACTIONS RELATING TO THE SALE OF DEFENSE ARTICLES AND SERVICES BY THE UNITED STATES GOVERNMENT TO THE IMPERIAL GOVERNMENT OF IRAN;

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 STATE 016854

B. PRIOR AGREEMENTS AND TRANSACTIONS BETWEEN THE TWO GOVERNMENTS OR THEIR CONSTITUENT AGENCIES AND MINISTRIES;

C. FUTURE AGREEMENTS BETWEEN AGENCIES AND MINISTRIES OF THE TWO GOVERNMENTS WHICH SPECIFICALLY EXCLUDE APPLICATION OF THE PRESENT AGREEMENT.

11. THIS AGREEMENT SHALL REMAIN IN EFFECT FOR FIVE YEARS FROM THE DATE IT ENTERS INTO FORCE, SUBJECT TO REVISION OR EXTENSION, AS MUTUALLY AGREED, AND MAY BE TERMINATED AT ANY TIME BY EITHER GOVERNMENT BY ONE HUNDRED AND EIGHTY DAYS ADVANCE NOTICE IN WRITING.

IF THIS PROPOSAL IS AGREEABLE TO THE IMPERIAL GOVERNMENT OF IRAN, THE GOVERNMENT OF THE UNITED STATES OF AMERICA WILL CONSIDER THAT THIS NOTE AND YOUR REPLY THERETO CONSTITUTE AN AGREEMENT WHICH WILL ENTER INTO FORCE ON THE DATE OF YOUR NOTE IN REPLY.

ACCEPT, EXCELLENCY,(COMPLIMENTARY CLOSE)
UNQUOTE INGERSOLL

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: TECHNICAL ASSISTANCE, AGREEMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 24 JAN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE016854
Document Source: CORE
Document Unique ID: 00
Drafter: BBMORTON/BK
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750026-1165
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750122/aaaaatib.tel
Line Count: 222
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN NEA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 06 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 AUG 2003 by izenbei0>; APPROVED <26 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: JOINT COMMISSION: COUNTRY-FINANCED TECHNICAL SERVICES AGREEMENT
TAGS: EGEN, IR, USIRJC
To: TEHRAN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006